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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,296	07/31/2003	Michael Czysz	MCZ005	3325

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EXAMINER

RODRIGUEZ, SAUL

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,296	Applicant(s) CZYSZ, MICHAEL	
	Examiner Saúl J. Rodríguez	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the amendment filed January 28, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 8-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8 and 16 recites a slipper clutch capable of providing a positive coupling. Noting that a sprag clutch is disclosed and claimed, it is unclear how such would provide anything other than a frictional coupling.

Claim Rejections - 35 USC § 102

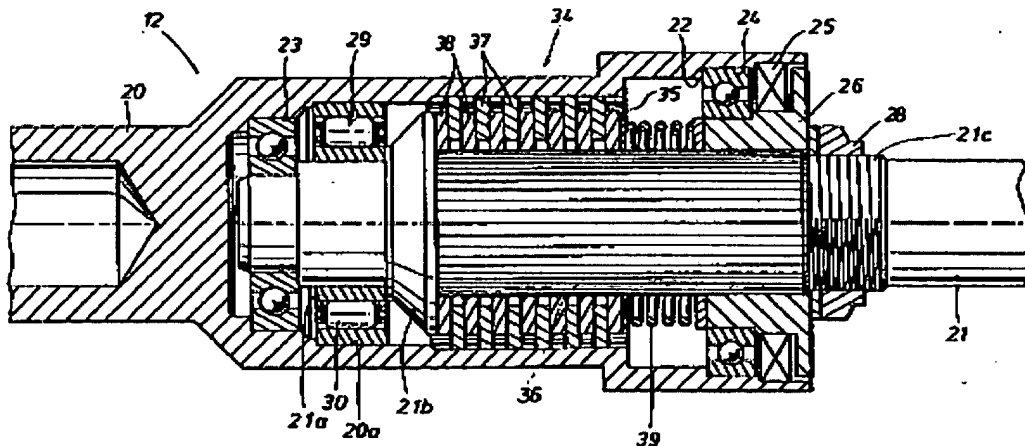
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

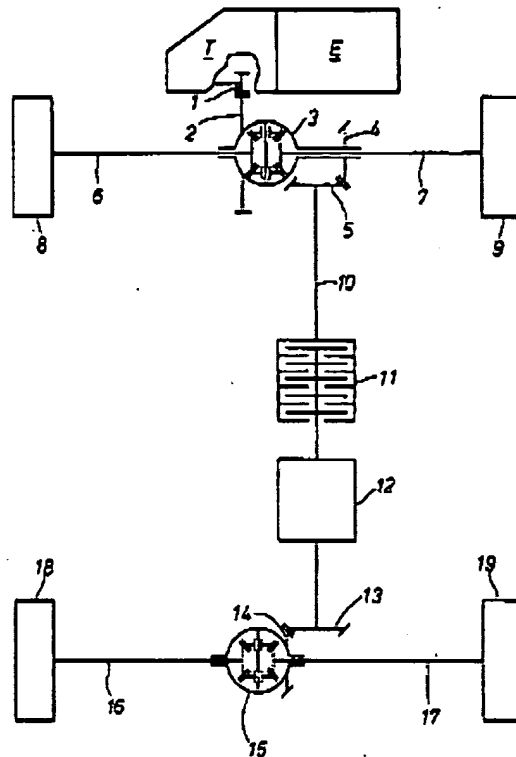
Claims 1, 4-5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Masuda et al. ('507).

Fig. 2



Masuda et al. ('507) discloses a motor vehicle (Fig. 1), comprising a chassis, an internal combustion engine (E), a gearbox at a first end of the vehicle, a gearbox output shaft (10) wheels (18, 19), a slipper clutch providing positive sprag engagement and slip, sprags (30) at a second end of the vehicle, a clutch basket (20), a stack of drive plates (37, 38), and a spring (39).

Fig. 1



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

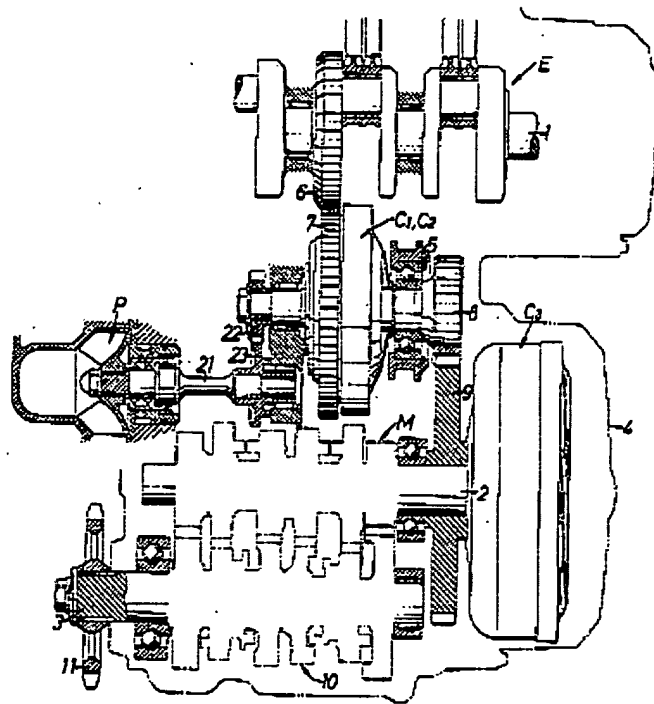
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al. ('507) in view of Gotoda ('989).

Masuda et al. does not show the arrangement in a motorcycle environment.

Gotoda ('989) discloses a motorcycle (Col. 1, lines 8-9) drivetrain (Fig. 1), an internal combustion engine (1) at a first end of the vehicle, a gearbox output shaft (3) at a second end of the vehicle, a conventional gearbox clutch (C3), a slipper clutch (C1, C2), a gear (9), a sprag coupling (14), a basket (17), drive plates (18, 19), and a spring (20).

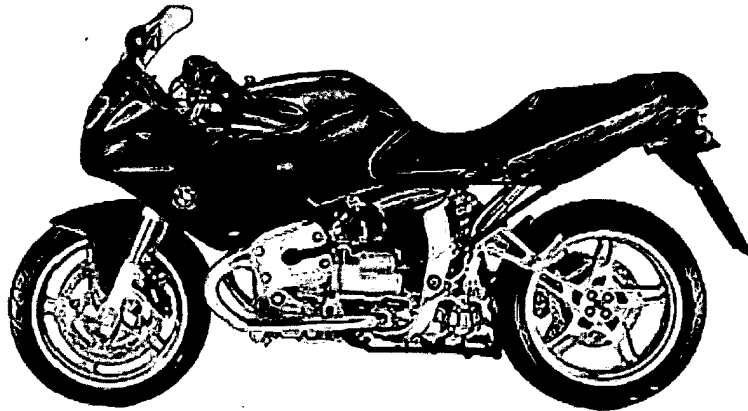
FIG.1



Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the concept of Masuda et al. in a motorcycle environment in view of Gotoda to improve the braking characteristics of the motorcycle.

Concerning claim 15, Masuda et al. ('507) in view of Gotoda ('989) do not show a longitudinal engine. However, motorcycles have been known to have transversely and longitudinally mounted engines (e.g., BMW R-Series). Then, it would have been

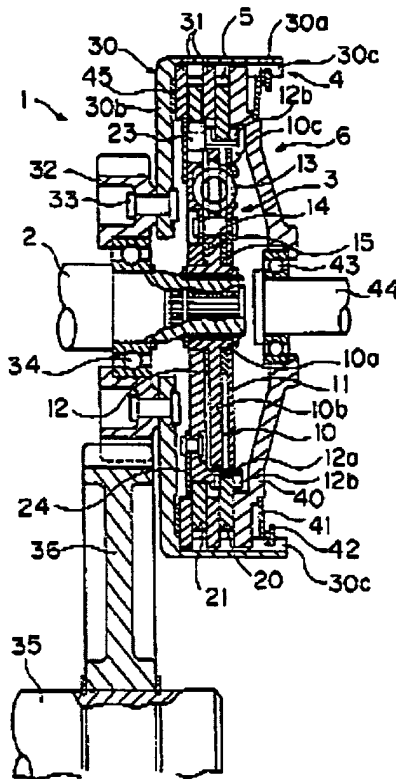
obvious to one having ordinary skill in the art at the time the invention was made to orient the engine longitudinally for packaging, cooling and/or aerodynamic purposes.



Claims 2-3, 9-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al. ('507) in view of Gotoda ('989) in further view of Kajitani et al. ('310).

Masuda et al. ('507) in view of Gotoda ('989) does not show an adjustable slipper clutch.

Kajitani et al. discloses a motorcycle comprising a chassis (Col. 1, line 17), an internal combustion engine (Col. 8, line 41), a primary clutch (60), a positive engagement one-way clutch (68, Fig. 2), a crankshaft (51), a gearbox output shaft (49), a slipper clutch (Fig. 2), a clutch basket (60a), a stack of drive plates (67), a spring (71), an adjustable (Col. 7, 62-65) tensioner (75).



Then, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide adjusting means to the device of Masuda et al. in view of Gotoda in further view of Kajitani et al. to tweak the braking characteristics of the bike to suit track conditions.

Allowable Subject Matter

Claims 18, 20-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed January 28, 2005 regarding the 112.2 rejection have been fully considered but they are not persuasive.

It should be noted that although sprag clutches provide powerful engagement between relatively rotating components, the engagement between them remains frictional in nature. In fact, applicant's remarks (pg. 8) acknowledge the frictional nature of the same. In maintaining the rejection, particular consideration was given to the art recognized connotations of positive engagement devices that generally provide positive mechanical engagement between the components (e.g., pawls). For the above mentioned reasons, the rejection is deemed proper.

Applicant's arguments with respect to the prior art rejection have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

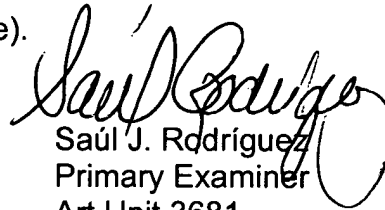
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saúl J. Rodríguez whose telephone number is (571) 272-7097. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SJR


Saúl J. Rodríguez
Primary Examiner
Art Unit 3681